

OWNERS OF THE BARGE "HAVANA" v. UNITED STATES

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

PURSUANT TO LAW A RECORD OF JUDGMENT RENDERED AGAINST THE GOVERNMENT BY THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS, UNDER AN ACT FOR THE RELIEF OF THE OWNERS OF THE BARGE "HAVANA," TOGETHER WITH A LETTER FROM THE DIRECTOR OF THE BUREAU OF THE BUDGET

FEBRUARY 26 (calendar day, FEBRUARY 28), 1925.—Read; referred to the Committee on Appropriations and ordered to be printed

THE WHITE HOUSE,  
*Washington, February 28, 1925.*

The PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for the consideration of Congress, in accordance with the provisions contained in the deficiency act of April 27, 1904 (33 Stat. 422), a record of judgment rendered against the Government by the United States District Court for the District of Massachusetts, as submitted by the Attorney General through the Secretary of the Treasury, as follows:

UNDER NAVY DEPARTMENT

Under the provisions of an act entitled "An act for the relief of the owners of the barge *Havana*," approved March 4, 1923 (Private, No. 249, 4th sess., 67th Cong., 42 Stat. pt. 2, p. 1794), final decree rendered by the United States District Court for the District of Massachusetts in favor of Staples Transportation Co.; amount of judgment, \$5,250; costs, \$40.30; total..... \$5, 290. 30

The necessity for the appropriation asked is explained in the letter of the Director of the Bureau of the Budget, transmitted herewith, in whose conclusions and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,  
Washington, February 28, 1925.

SIR: I have the honor to submit herewith for your consideration, and upon your approval for transmission to Congress, in accordance with the provisions contained in the deficiency act of April 27, 1904 (33 Stat. 422), a record of judgment rendered against the Government by the United States District Court for the District of Massachusetts, as submitted by the Attorney General through the Secretary of the Treasury, as follows:

UNDER NAVY DEPARTMENT

Under the provisions of an act entitled "An act for the relief of the owners of the barge *Havana*," approved March 4, 1923 (Private, No. 249, 4th sess., 67th Cong., 42 Stat. pt. 2, p. 1794), final decree rendered by the United States District Court for the District of Massachusetts in favor of Staples Transportation Co.; amount of judgment, \$5,250; costs, \$40.30; total----- \$5,290.30

For the payment of this judgment there is required an appropriation of \$5,290.30, including costs, with the proviso that this judgment shall not be paid until the right of appeal shall have expired.

The Attorney General in his letter, inclosed herewith, forwarding this judgment for certification to Congress does not report any interest as due on same, nor is the payment of interest provided for in the jurisdictional act above referred to.

Since the foregoing is an obligation of the Government lawfully imposed, and which (subject to the reserved right of appeal) must be paid, and because it could not have been anticipated in the regular appropriation acts, an appropriation for that purpose is necessary at this time.

Very respectfully,

H. M. LORD,

*Director of the Bureau of the Budget.*

The PRESIDENT.

DEPARTMENT OF JUSTICE,  
Washington, D. C.

The SECRETARY OF THE TREASURY.

SIR:

STAPLES TRANSPORTATION CO. *v.* UNITED STATES—BARGE "HAVANA"—  
U. S. S. "QUINCY" COLLISION (NAVY)

I am inclosing herewith certified copy of final decree which has been entered in the district of Massachusetts under date of February 20, 1925, in the above matter awarding libellant the sum of \$5,250, together with costs amounting to \$40.30, making the total sum \$5,290.30.

This suit was instituted under authority of special act of Congress of March 4, 1923.

The litigation arose out of the collision between the barge *Havana*, owned by the Staples Transportation Co., and the U. S. S. *Quincy* at Hampton Roads, Va., on February 4, 1920. The barge *Havana* was lying at anchor in Hampton Roads and the U. S. S. *Quincy* was

lying at anchor near by. The *Quincy* dragged her anchor and struck the barge *Havana*, causing some damage, for which the libelant claims \$6,000. After full investigation it appeared that liability for the collision plainly rested on the *Quincy*. However, the suit received the careful attention of the United States attorney, but it could not be established that there was any contributing fault on the part of the barge. The court determined that the Government was liable for the collision, holding the U. S. S. *Quincy* solely at fault for same.

The Solicitor General has determined that no purpose can be served by appealing from this decision, and we are therefore transmitting this final decree to you with the request that same be placed in line for payment \* \* \*.

Respectfully,

For the Attorney General:

WILLIAM J. DONOVAN,  
Assistant Attorney General.

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Name: Staples Transportation Co.

Judgment: \$5,250.

Costs: \$40.30.

Date of judgment: February 20, 1925.

Nature of claim: Action to recover damages due to collision between the barge *Havana* and the U. S. S. *Quincy* (Navy).

Final decree: It is now ordered, adjudged, and decreed that the libelant recover of and from the United States of America the sum of \$5,250, together with costs taxed at \$40.30, making a total of \$5,290.30.

United States District Court for the District of Massachusetts.



